

AMENDED IN ASSEMBLY JUNE 21, 2006

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE APRIL 6, 2005

SENATE BILL

No. 1073

Introduced by Senator Simitian

February 22, 2005

An act to amend ~~Section 56836.165~~ *Sections 99201 and 99206* of the Education Code, relating to ~~special education instructional strategies~~.

LEGISLATIVE COUNSEL'S DIGEST

SB 1073, as amended, Simitian. ~~Special education: out-of-home care.~~ *Instructional strategies: subject matter projects.*

Existing law provides for the establishment and maintenance of 6 subject matter projects by the Regents of the University of California with the approval of the Concurrence Committee. Existing law provides that these subject matter projects are to create opportunities for researchers, higher education faculty, and elementary and secondary school faculty to work together to identify exemplary teaching practices, examine and develop research on learning, knowledge, and educational materials, and to provide support to teachers to develop and enhance content knowledge and pedagogical skills. Under existing law, these projects become inoperative on June 30, 2007, and are repealed on January 1, 2008.

This bill would add the California Arts Project, the California Foreign Language Project, and the California Physical Education/Health Project to the subject matter projects already created by law. The bill would extend the inoperative date of the

projects to June 30, 2014, and the repeal date to January 1, 2015, thus extending the existence of these programs by 7 years.

~~Existing law requires the Superintendent of Public Instruction, commencing with the 2004-05 fiscal year and each fiscal year thereafter, to make certain calculations for, and the State Department of Education to apportion certain amounts to, special education local plan areas, as provided, with respect to children and youth residing in foster family homes, foster family agencies, group homes, skilled nursing facilities, intermediate care facilities, and community care facilities. Existing law requires that calculation to include youth referred by the State Department of Developmental Services that are 18 to 21 years of age, inclusive, residing in a community care facility.~~

~~This bill, in addition, would require that calculation to include children and youth that are 3 to 21 years of age, inclusive, who are clients of the State Department of Developmental Services, residing in a skilled nursing facility or an intermediate care facility in a special education local plan area other than the special education local plan area in which the home of the client is located.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 99201 of the Education Code is*
- 2 *amended to read:*
- 3 99201. The following subject matter projects shall be
- 4 authorized pursuant to this chapter:
- 5 (a) The California ~~Writing Arts~~ Project.
- 6 (b) The California ~~Reading and Literature~~ *Foreign Language*
- 7 Project.
- 8 (c) The California ~~Mathematics~~ *History-Social Science*
- 9 Project.
- 10 (d) The California ~~Science~~ *Mathematics* Project.
- 11 (e) The California ~~History-Social-Science~~ *Physical*
- 12 *Education/Health* Project.
- 13 (f) *The California Reading and Literature Project.*
- 14 (g) *The California Science Project.*
- 15 (h) *The California Writing Project.*
- 16 (i) *The World History and International Studies Project.*

1 *SEC. 2. Section 99206 of the Education Code is amended to*
2 *read:*

3 99206. This article shall become inoperative on June 30, 2007
4 2014, and, as of January 1, 2008 2015, is repealed, unless a later
5 enacted statute that is enacted before January 1, 2008 2015,
6 deletes or extends the dates on which it becomes inoperative and
7 is repealed.

8 ~~SECTION 1. Section 56836.165 of the Education Code is~~
9 ~~amended to read:~~

10 ~~56836.165. (a) For the 2004-05 fiscal year and each fiscal~~
11 ~~year thereafter, the superintendent shall calculate for each special~~
12 ~~education local plan area an amount based on all of the~~
13 ~~following:~~

14 ~~(1) The number of children and youth residing in foster family~~
15 ~~homes and foster family agencies.~~

16 ~~(2) The licensed capacity of group homes licensed by the State~~
17 ~~Department of Social Services.~~

18 ~~(3) The number of children and youth ages 3 through 21~~
19 ~~referred by the State Department of Developmental Services who~~
20 ~~are residing in skilled nursing facilities or intermediate care~~
21 ~~facilities licensed by the State Department of Health Services and~~
22 ~~the number of youth ages 18 through 21 referred by the State~~
23 ~~Department of Developmental Services who are residing in~~
24 ~~community care facilities licensed by the State Department of~~
25 ~~Social Services.~~

26 ~~(b) The department shall assign each facility described in~~
27 ~~paragraphs (1), (2), and (3) of subdivision (a) a severity rating.~~
28 ~~The severity ratings shall be on a scale from 1 to 14. Foster~~
29 ~~family homes shall be assigned a severity rating of 1. Foster~~
30 ~~family agencies shall be assigned a severity rating of 2. Facilities~~
31 ~~described in paragraph (2) of subdivision (a) shall be assigned~~
32 ~~the same severity rating as its State Department of Social~~
33 ~~Services rate classification level. For facilities described in~~
34 ~~paragraph (3) of subdivision (a), skilled nursing facilities shall be~~
35 ~~assigned a severity rating of 14, intermediate care facilities shall~~
36 ~~be assigned a severity rating of 11, and community care facilities~~
37 ~~shall be assigned a severity rating of 8.~~

38 ~~(c) (1) The department shall establish a "bed allowance" for~~
39 ~~each severity level. For the 2004-05 fiscal year, the bed~~
40 ~~allowance shall be calculated as described in paragraph (2). For~~

~~the 2005-06 fiscal year and each fiscal year thereafter, the department shall increase the bed allowance by the inflation adjustment computed pursuant to Section 42238.1. The department shall not establish a bed allowance for any facility defined in paragraphs (2) and (3) of subdivision (a) if it is not licensed by the State Department of Social Services or the State Department of Health Services.~~

~~(2) (A) The bed allowance for severity level 1 shall be five hundred two dollars (\$502).~~

~~(B) The bed allowance for severity level 2 shall be six hundred ten dollars (\$610).~~

~~(C) The bed allowance for severity level 3 shall be one thousand four hundred thirty-four dollars (\$1,434).~~

~~(D) The bed allowance for severity level 4 shall be one thousand six hundred forty-nine dollars (\$1,649).~~

~~(E) The bed allowance for severity level 5 shall be one thousand eight hundred sixty-five dollars (\$1,865).~~

~~(F) The bed allowance for severity level 6 shall be two thousand eighty dollars (\$2,080).~~

~~(G) The bed allowance for severity level 7 shall be two thousand two hundred ninety-five dollars (\$2,295).~~

~~(H) The bed allowance for severity level 8 shall be two thousand five hundred ten dollars (\$2,510).~~

~~(I) The bed allowance for severity level 9 shall be five thousand four hundred fifty-one dollars (\$5,451).~~

~~(J) The bed allowance for severity level 10 shall be five thousand eight hundred eighty-one dollars (\$5,881).~~

~~(K) The bed allowance for severity level 11 shall be nine thousand four hundred sixty-seven dollars (\$9,467).~~

~~(L) The bed allowance for severity level 12 shall be thirteen thousand four hundred eighty-three dollars (\$13,483).~~

~~(M) The bed allowance for severity level 13 shall be fourteen thousand three hundred forty-three dollars (\$14,343).~~

~~(N) The bed allowance for severity level 14 shall be twenty thousand eighty-one dollars (\$20,081).~~

~~(d) (1) For each fiscal year, the department shall calculate an out-of-home care funding amount for each special education local plan area as the sum of amounts computed pursuant to paragraphs (2), (3), and (4). The State Department of Social Services and the State Department of Developmental Services~~

1 shall provide the State Department of Education with the
2 residential counts identified in paragraphs (2), (3), and (4):

3 (2) The number of children and youth residing on April 1 in
4 foster family homes and foster family agencies located in each
5 special education local plan area times the appropriate bed
6 allowance.

7 (3) The capacity on April 1 of each group home licensed by
8 the State Department of Social Services located in each special
9 education local plan area times the appropriate bed allowance.

10 (4) The sum of all of the following:

11 (A) The number on April 1 of children and youth ages 3
12 through 21, inclusive, referred by the State Department of
13 Developmental Services and who are residing in skilled nursing
14 facilities and intermediate care facilities licensed by the State
15 Department of Health Services located in each special education
16 local plan area times the appropriate bed allowance.

17 (B) The number on April 1 of children and youth ages 3
18 through 21, inclusive, who are clients of the State Department of
19 Developmental Services who are residing in skilled nursing
20 facilities and intermediate care facilities licensed by the State
21 Department of Health Services located in each special education
22 local plan area other than the special education local plan area in
23 which the home of the client is located times the appropriate bed
24 allowance.

25 (C) The number on April 1 of children and youth ages 18
26 through 21, inclusive, referred by the State Department of
27 Developmental Services and who are residing in community care
28 facilities licensed by the State Department of Social Services
29 located in each special education local plan area times the
30 appropriate bed allowance.